

# **JOURNAL OF THE HOUSE**

## **NINETIETH SESSION**

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TWENTY-NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, February 27, 2015

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor J. P. Mosley, Jr., followed by the Pledge of Allegiance led by House pages Shanda Gill and Jenna Johnson.

Roll Call: All members present except Reps. Feickert, Hickey, Killer, Munsterman, Otten, Qualm, Schrempp, and Werner who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

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2 On page 1, line 7, of the Senate engrossed bill, delete "fifteen" and insert "seventeen".

3 On page 2, line 2, after "abuse" insert "and two members from the banking industry".

4 And that as so amended said bill do pass and be placed on the consent calendar.

5 Respectfully submitted,  
6 Brian G. Gosch, Chair

7 Also MR. SPEAKER:

8 The Committee on Education respectfully reports that it has had under consideration  
9 SB 153 and returns the same with the recommendation that said bill do pass.

10 Respectfully submitted,  
11 Jacqueline Sly, Chair

12 Also MR. SPEAKER:

13 The Committee on Commerce and Energy respectfully reports that it has had under  
14 consideration SB 120 and 177, which was reconsidered, and returns the same with the  
15 recommendation that said bills do pass.

16 Also MR. SPEAKER:

17 The Committee on Commerce and Energy respectfully reports that it has had under  
18 consideration SB 30 and 128 and returns the same with the recommendation that said bills do  
19 pass and be placed on the consent calendar.

20 Respectfully submitted,  
21 Tim Rounds, Chair

22 Also MR. SPEAKER:

23 The Committee on Judiciary respectfully reports that it has had under consideration SB 82,  
24 97, and 98 and returns the same with the recommendation that said bills do pass.

25 Respectfully submitted,  
26 G. Mark Mickelson, Chair

## MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith HB 1029, 1043, 1060, 1081, 1089, 1090, 1101, 1102, 1105, 1106, 1121, 1125, 1135, 1151, 1189, 1229, and HJR 1003 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to return herewith HB 1027, 1079, 1130, 1146, 1148, and 1236 which have been amended by the Senate and your concurrence in the amendments is respectfully requested.

Also MR. SPEAKER:

I have the honor to transmit herewith SCR 8 which has been adopted by the Senate and your concurrence is respectfully requested.

Respectfully,  
Kay Johnson, Secretary

## MOTIONS AND RESOLUTIONS

SCR 8: A CONCURRENT RESOLUTION, Condemning the growing anti-Semitism in certain countries and extending an invitation to Jewish families from around the world to South Dakota.

Was read the first time and the Speaker waived the committee referral.

## SECOND READING OF CONSENT CALENDAR ITEMS

SB 5: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the assessment and taxation of real property.

Was read the second time.

The question being "Shall SB 5 pass?"

And the roll being called:

1 Yeas 62, Nays 0, Excused 8, Absent 0

2 Yeas:

3 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
4 Deutsch; DiSanto; Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;  
5 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
6 Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
7 Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum;  
8 Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson;  
9 Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Feickert; Hickey; Killer; Munsterman; Otten (Herman); Qualm; Schrempp; Werner

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 SB 56: FOR AN ACT ENTITLED, An Act to provide direction regarding the calculation  
15 of adjusted gross proceeds for the purpose of calculating the gaming tax.

16 Was read the second time.

17 The question being "Shall SB 56 pass?"

18 And the roll being called:

19 Yeas 62, Nays 0, Excused 8, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
22 Deutsch; DiSanto; Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;  
23 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
24 Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
25 Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum;  
26 Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson;  
27 Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

28 Excused:

29 Feickert; Hickey; Killer; Munsterman; Otten (Herman); Qualm; Schrempp; Werner

30 So the bill having received an affirmative vote of a majority of the members-elect, the  
31 Speaker declared the bill passed and the title was agreed to.

SB 78: FOR AN ACT ENTITLED, An Act to authorize counties or medical providers to recover inmate healthcare costs from insurers.

Was read the second time.

The question being "Shall SB 78 pass as amended?"

And the roll being called:

Yeas 62, Nays 0, Excused 8, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Excused:

Feickert; Hickey; Killer; Munsterman; Otten (Herman); Qualm; Schrempp; Werner

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 87: FOR AN ACT ENTITLED, An Act to revise the circumstances creating a vacancy in municipal office.

Was read the second time.

The question being "Shall SB 87 pass?"

And the roll being called:

Yeas 62, Nays 0, Excused 8, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Excused:

2 Feickert; Hickey; Killer; Munsterman; Otten (Herman); Qualm; Schrempp; Werner

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 Speaker declared the bill passed and the title was agreed to.

5 SB 88: FOR AN ACT ENTITLED, An Act to authorize emergency appointments to the  
6 municipal election board.

7 Was read the second time.

8 The question being "Shall SB 88 pass?"

9 And the roll being called:

10 Yeas 62, Nays 0, Excused 8, Absent 0

11 Yeas:

12 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
13 Deutsch; DiSanto; Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;  
14 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
15 Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
16 Novstrup (Al); Partridge; Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Rozum;  
17 Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson;  
18 Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

19 Excused:

20 Feickert; Hickey; Killer; Munsterman; Otten (Herman); Qualm; Schrempp; Werner

21 So the bill having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the bill passed and the title was agreed to.

23 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

24 Rep. Gosch moved that SB 45, 41, 94, 118, 63, 47, 49, 37, 48, 89, 95, and 81 be deferred  
25 to Tuesday, March 3, the 30<sup>th</sup> legislative day.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 5.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1055 and 1113 were delivered to his Excellency, the Governor, for his approval at 10:08 a.m., February 27, 2015.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1029, 1043, 1060, 1081, 1089, 1090, 1101, 1102, 1105, 1106, 1121, 1125, 1135, 1151, 1189, and 1229 and HJR 1003 and finds the same correctly enrolled.

Respectfully submitted,  
Dean Wink, Chair

**SIGNING OF BILLS**

The Speaker publicly read the title to

HB 1029: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding high performance building design and construction standards for newly constructed or renovated state-owned buildings.

HB 1043: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the Department of Education.

HB 1060: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain family physicians, dentists, physician assistants, and nurse practitioners who have complied with the requirements of the recruitment assistance program and to declare an emergency.

HB 1081: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding county officials and the board of county commissioners.

HB 1089: FOR AN ACT ENTITLED, An Act to ban the practice of female genital mutilation in the state, to provide a penalty therefor, and to declare an emergency.

HB 1090: FOR AN ACT ENTITLED, An Act to prohibit a person from serving as a member of a consumers power district board of directors in certain cases.

HB 1101: FOR AN ACT ENTITLED, An Act to ensure local control over curriculum and methods of instruction.



1 HB 1102: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
2 regulation of licensing massage therapists.

3 HB 1105: FOR AN ACT ENTITLED, An Act to provide for an affidavit creating a  
4 rebuttable presumption that a person is not an employee for purposes of workers' compensation  
5 and to provide a penalty therefor.

6 HB 1106: FOR AN ACT ENTITLED, An Act to establish the rights of municipal, county,  
7 or township officers in certain decision-making processes.

8 HB 1121: FOR AN ACT ENTITLED, An Act to authorize township boards to establish  
9 speed zones on township roads.

10 HB 1125: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
11 notice for meeting of public bodies.

12 HB 1135: FOR AN ACT ENTITLED, An Act to expand certain bonding provisions  
13 regarding local government officials and employees.

14 HB 1151: FOR AN ACT ENTITLED, An Act to improve public safety through  
15 confidential stress management services for emergency service providers.

16 HB 1189: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds  
17 for elderly persons and persons with a disability and to declare an emergency.

18 HB 1229: FOR AN ACT ENTITLED, An Act to revise provisions related to the release  
19 of medical waste.

20 HJR 1003: A JOINT RESOLUTION, Proposing and submitting to the electors at the next  
21 general election an amendment to Article XIV of the Constitution of the State of South Dakota,  
22 relating to the authority of the Board of Regents.

23 And signed the same in the presence of the House.

24 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at  
25 1:26 p.m. the House adjourned.

26 Arlene Kvislen, Chief Clerk

